

# Morgan Lewis

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February 1, 2019

## **Via ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Room TW-A325  
Washington, DC 20554

**Re: ERRATA**

**CG Docket No. 13-24 - In the Matter of the Misuse of Internet Protocol (IP)  
Captioned Telephone Service; CG Docket No. 03-123 - Telecommunications  
Relay Services and Speech-to-Speech Services for Individuals with Hearing  
and Speech Disabilities**

Dear Ms. Dortch:

On January 30, 2019, ClearCaptions, LLC ("ClearCaptions") filed a notice of telephonic ex parte meetings held on January 28 and 29, 2019. ClearCaptions is filing a Corrected Notice of Ex Parte to correct its recommendation to state that the Commission should permit the recovery of IP CTS providers' exogenous costs associated with implementation of the TRS-URD in the Report and Order section of the draft item circulated on January 3, 2019.

Any questions regarding this submission may be directed to the undersigned.

Respectfully submitted,

*/s/ Tamar Finn*

Tamar E. Finn  
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*Counsel to ClearCaptions, LLC*

cc: Eliot Greenwald (Via E-Mail)

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January 30, 2019

## **Via ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Room TW-A325  
Washington, DC 20554

**Re: CORRECTED NOTICE OF EX PARTE  
CG Docket No. 13-24 - In the Matter of the Misuse of Internet Protocol (IP)  
Captioned Telephone Service; CG Docket No. 03-123 - Telecommunications  
Relay Services and Speech-to-Speech Services for Individuals with Hearing  
and Speech Disabilities**

Dear Ms. Dortch:

ClearCaptions, LLC ("ClearCaptions"), through its undersigned counsel, files this *ex parte* notice of telephone calls that occurred on January 28 and 29, 2019 between Michael Strecker, Vice President of Regulatory and Strategic Policy of ClearCaptions, and Eliot Greenwald, Deputy Chief of Disabilities Rights Division concerning the draft Report and Order, Further Notice of Proposed Rulemaking, and Order ("*Draft R&O, FNPRM, and Order*") in the above-referenced proceedings.<sup>1</sup>

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<sup>1</sup> See *In the Matter of Misuse of Internet Protocol (IP) Captioned Telephone Service and Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Further Notice of Proposed Rulemaking, and Order, CG Docket Nos. 13-24 & 03-123, FCC-CIRC1901-04 (circulated Jan. 3, 2019) ("*Draft R&O, FNPRM, and Order*").

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During the calls, ClearCaptions supported the proposed temporary waiver of certain emergency call-handling rules for Internet Protocol Captioned Telephone Service ("IP CTS") providers pending resolution of these matters in a FCC rulemaking to simplify the processing of 911 calls by IP CTS providers.

ClearCaptions also supported the Commission's plan to initiate a rulemaking to consider amending emergency call-handling rules for IP CTS providers.

ClearCaptions recommended that the Commission amend the *Draft R&O* to find that the incremental costs of implementing the TRS User Registration Database ("TRS-URD") are recoverable exogenous costs. Incremental costs associated with integrating the Company's existing database and customer management systems with the TRS-URD as well as costs associated with submitting user registration data to the TRS-URD are expected to be significant and will disproportionately impact the smallest IP CTS providers. Although the three paragraphs in the 2013 FNPRM that discussed centralized registration and verification of IP CTS users did not seek comment on the estimated costs of implementing this new requirement, in 2018 the Commission asked about recovery of exogenous costs associated with implementing the TRS-URD.<sup>2</sup> ClearCaptions argued then that it would incur exogenous costs that should be recoverable.<sup>3</sup> ClearCaptions therefore recommends that the Commission remove footnote 63 from the *Draft R&O*, and revise paragraphs 21 and 22 to make clear that IP CTS providers should be reimbursed for any exogenous costs associated with implementing the TRS-URD requirements adopted in the Order.

Please contact the undersigned if you have any questions.

Respectfully submitted,

/s/ Tamar Finn

Tamar E. Finn  
Danielle Burt  
Stephany Fan

*Counsel to ClearCaptions, LLC*

cc: Eliot Greenwald (Via E-Mail)

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<sup>2</sup> *Misuse of Internet Protocol (IP) Captioned Telephone Service, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 33 FCC Rcd. 307, ¶ 93 (June 8, 2018).

<sup>3</sup> Initial Comments of ClearCaptions, LLC, CG Docket Nos. 13-24 and 03-123, at 19 (Sept. 17, 2018) (Ongoing exogenous costs include costs such as... costs associated with adopting the TRS User Registration Database in the context of IP CTS.).